



Written Testimony of the Women's Center of Greater Danbury, Inc.
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Raised Bill 6641 An Act Concerning the Sexual Assault of Persons Whose Ability to Communicate Lack of Consent is Substantially Impaired

HB 6664 An Act Concerning Restraining Orders

Submitted to Senator Coleman, Representative Fox and members of the Judiciary Committee
March 24, 2013

This testimony in support of **RB 6641** and **HB 6664** is submitted by the Women's Center of Greater Danbury, the nonprofit social service agency - and CONNSACS and CCADV member program - providing sexual assault and domestic violence crisis services and education throughout upper Fairfield and lower Litchfield counties. During the 2011-12 fiscal year, the Women's Center helped 2632 victims and completed 22,341 school and professional educational contacts.

In regards to **Raised Bill 6641**: For four years, this legislation closing a loophole in Connecticut law so that offenders who sexually assault someone with a physical or developmental disability can be held accountable has enjoyed strong bipartisan support and yet has not been passed - often because of unrelated issues. In that time, at least two sex offenders have gone free due to this loophole. Because our state's Supreme Court decision in *State of Connecticut vs. Richard Fournin (2012)* has now so narrowly defined "physically helpless" that the vast majority of people with disabilities are unprotected from sexual predators, it is critical that action be taken in support of this legislation. In all cases of sexual assault, we firmly believe that it should not be necessary that any *victim* prove lack of consent; rather, the burden to determine consent is entirely the responsibility of the person initiating the sexual contact. Beyond that argument, however, statistics show that predators target populations who are vulnerable - who either cannot protect themselves or whose credibility may be compromised by arguments focusing on disability, age, or socioeconomic status; in fact, people with disabilities are assaulted at twice the rate of those with no disabilities. The *Fournin* decision facilitates this lack of accountability and increases the level of danger those populations already endure. Fairness dictates that our laws protect all of our citizens - but most especially the most vulnerable. This legislation will do this.

In regards to **HB 6664**: Currently, only sexual assault and stalking victims who fall under the protection of our law covering household and dating violence are eligible for civil restraining orders. This bill would extend eligibility to all victims of stalking and sexual assault including the 40.8% of victims who are raped by an acquaintance, the 13.8% raped by a stranger, and the 36% of victims stalked by someone not meeting the current or former household or dating requirement. For instance, as a member of our local Multidisciplinary Team investigating child sexual assault cases, we have often seen cases where a child continues to be exposed to the dangers of a sexual predator while an investigation is being conducted and when an arrest is never made, including when the perpetrator is a neighbor, babysitter, or dating the child's mother. The ability to secure a civil restraining would enhance not only these victims, but all victims of sexual assault and stalking, sense of safety and protection when no other remedies are available. We know such orders are effective: civil restraining orders have been successfully extended to these sexual assault victims in 17 states and, in 32 states, to victims of stalking outside of the household, family or dating relationships.

Because of these arguments, the Women's Center strongly urges support of **HB 6664** and **RB 6641**. Thank you for your consideration of our testimony.

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